

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

TERRELL LACEY,	)	
	)	
Petitioner,	)	
	)	
v.	)	Case No. 4:02CV1033 RWS
	)	
DAVE DORMIRE,	)	
	)	
Respondent.	)	

**MEMORANDUM AND ORDER**

This matter is before the court on Terrell Lacey's pro se petition for writ of habeas corpus under 28 U.S.C. § 2254 [#5]. Pursuant to 28 U.S.C. § 636(b), this matter was referred to United States Frederick R. Buckles, who filed his Report and Recommendation on January 31, 2005 [#13]. It is Judge Buckles' recommendation that the petition be denied and that no certificate of appealability be issued. Lacey timely filed his objections to the Report and Recommendation [#15]. Under 28 U.S.C. § 636(b)(1)(C), I am required to review de novo those portions of the Report and Recommendation to which Shannon objects.

I have conducted a de novo review of all matters relevant to the petition. Based on that review, I will adopt and sustain Judge Buckles' Report and Recommendations and will deny Lacey's petition.

Accordingly,

**IT IS HEREBY ORDERED** that Chuck Dwyer, Superintendent of Southeast Correctional Center, be substituted for Dave Dormire as proper party respondent.

**IT IS FURTHER ORDERED** that Lacey's petition for habeas corpus under 28 U.S.C. § 2254 [#5] is **DENIED**.

**IT IS FURTHER ORDERED** that the Court will not issue a certificate of appealability.

A separate judgment in accordance with this Memorandum and Order is entered this same date.

Dated this 21st Day of June, 2005.

  
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RODNEY W. SIPPEL  
UNITED STATES DISTRICT JUDGE